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STATE ELECTION COMMISSION, ORISSA
TOSHLI PLAZA, BLOCK-B-2, 1ST FLOOR
SATYANAGAR, BHUBANESWAR-751 007

ORDER

The 29th August 2008

SUBJECT—Preparation of Electoral Roll for conduct of General Election to Baripada Municipality

No. 4888—Ele(ML)-79/2008-SEC.—Whereas final notification of Delimitation of Wards and Reservation of Seats of Baripada Municipality for conduct of general election as required u/r 2-A(5) of Orissa Municipal (Delimitation of Wards, Reservation of Seats and Conduct of Election) Rules, 1994 has been published by the District Magistrate, Mayurbhanj vide Notification No. 3201-Gen. & Misc., dated the 27th August 2008;

Whereas it is necessary to prepare Wardwise Electoral Roll of the Baripada Municipality for conduct of General Election.

Now, therefore, the State Election Commission in exercise of powers vested in it under Article 243-ZA of Constitution and under Section 13 of Orissa Municipal Act, 1950 read with Orissa Municipal (Delimitation of Wards, Reservation of Seats and Conduct of Election) Rules, 1994 thereunder directs that Wardwise Electoral Roll of the Baripada Municipality shall be prepared as per the programme in Schedule-I in the manner prescribed in Schedule-II of this order.

The Commission directs that the qualifying date for enrolment as voter in the Electoral Roll of the Municipalities shall be the 1st January 2009. The Commission further directs that persons whose names do not find place in the Assembly Electoral Roll, 2008 prepared by the Election Commission of India but are eligible to be voters on the qualifying date will be entitled to file claims for inclusion in the Electoral Roll for the purpose of ensuing General Election to Baripada Municipality.

By order and in the name of
State Election Commission, Orissa

F. C. SATAPATHY

Secretary

SCHEDULE-I

**PROGRAMME FOR PREPARATION OF ELECTORAL ROLL FOR
GENERAL ELECTIONS TO BARIPADA MUNICIPALITY, 2008**

Sl. No.	Particulars	Date	Place/Remarks
(1)	(2)	(3)	(4)
1	Preparation of preliminary Electoral Roll of all Municipal Wards in Form No. I comprising the name of the voters included in the Electoral Roll of Assembly Constituency relatable to the area of the Ward under Rule 4 of the Orissa Municipal (DWRS & CE) Rules, 1994.	.. 1-09-2008 to 10-09-2008.	
2	Publication of preliminary Electoral Roll and notices in Form No. II by the Election Officer inviting objections under Rule 7(1) and (2)—	.. 11-09-2008	1. Notice Board of the Election Officer. 2. Notice Board of concerned ULB. 3. At a conspicuous place in the Ward.
	(a) of all Wards of the Municipality (b) of each Ward.		
3	Date up to which the preliminary Electoral Roll to be kept open for inspection by public under Rule 7 (3).	.. 11-09-2008 to 17-09-1008 (except Government holidays).	1. Notice Board of the Election Officer. 2. Notice Board of concerned ULB. 3. At a conspicuous place in the Ward.
4	Filing claims and objections to the Election Officers under Rule 8 (2).	.. 11-09-2008 to 18-09-1008 (except public holiday).	The Office of the Election Officer.
5	Enquiry and correction before hearing of claims and objections by Election Officer under Rule 9.	.. 19-09-2008 to 23-09-2008.	
6	Publication of list of claims and objections received and all corrections made by the Election Officer in Form No. V under Rule 10.	.. 25-09-2008	In the Notice Boards of the Municipality and Office of the Election Officer.

(1)	(2)	(3)	(4)
7	Hearing and disposal of claims and objections by Election Officer under Rule 11.	.. 30-09-2008, 1/3/4-10-2008	As may be fixed by the Election Officer.
8	Date of draft publication	.. 10-10-2008	1. Notice Board of the Election Officer. 2. Notice Board of concerned U.L.B. 3. At a conspicuous place in the Ward.
9	Appeal against the orders of the Election Officer before the District Magistrate.	.. 13-10-2008 to 18-10-2008	The Office of the District Magistrate.
10	Disposal of appeal by the District Magistrate.	.. 20-10-2008 to 27-10-2008	As may be fixed by the District Magistrate.
11	Forwarding of orders by the District Magistrate to Election Officer.	.. By 30-10-2008	
12	Date of publication of final Electoral Roll under Rule 15.	.. 1-11-2008 to 4-11-2008	1. Notice Board of the Election Officer. 2. Notice Board of concerned ULB. 3. At a conspicuous place in the Ward.
13	Publication of proposed list of polling stations/booths.	.. 1-11-2008 to 4-11-2008	1. Notice Board of the Election Officer. 2. Notice Board of concerned ULB. 3. At a conspicuous place in the Ward.
14	Finalisation of polling stations/booths	.. 7-11-2008	
15	Submission of booth list to State Election Commission by the Election Officer for approval.	.. By 10-11-2008	
16	Approval of booth list by State Election Commission.	.. By 11-11-2008	
17	Submission of printed copy of final Electoral Roll to the Commission.	.. 20-11-2008	

N. B.—The rules referred herein refer to the Orissa Municipal (Delimitation of Wards, Reservation of Seats and Conduct of Election) Rules, 1994.

SCHEDULE-II

PROCEDURE FOR PREPARATION OF ELECTORAL ROLL

1. The District Magistrate as Election Officer shall be in overall charge of preparation of Electoral Rolls of all the Municipalities in the district.
2. The Election Officer appointed for the Municipality will be responsible for preparation and finalisation of the Wardwise Electoral Rolls of the concerned Municipality.
3. In case the District Magistrate feels and recommends, more than one Election Officer can be appointed by the Commission, for specific and limited purpose of receiving claims and objections, causing enquiry and hearing of claims and objections in view of large number of such claims and objections.
4. The published Electoral Roll of the Assembly Constituency prepared by the Election Commission of India in January, 2008 and currently in force shall be the basis for preparation of preliminary Wardwise Electoral Rolls of the Municipalities.
5. The State Election Commission, Orissa has fixed the 01-01-2009 as the qualifying date for preparation of Electoral Roll for Baripada Municipality.
6. Preliminary Electoral Roll for each Ward shall be prepared in Form No.I prescribed under Rule 4 of the Orissa Municipal (DW, RS&CE) Rules, 1994 and be published in accordance with Rule 7 Orissa Municipal Election Rules, 1994 (Sample copy of form enclosed). The Election Officer shall publish a notice in Form No. II specifying the mode in which and the time within which claims and objections are to be preferred and the date on which and the place at which he will begin to sit for their disposal. It should be ensured that the copies of preliminary Electoral Roll or the portion thereof, as the case may be, relating to each Ward shall be kept open for inspection by the public for a period indicated in the programme drawn up by the Commission vide Schedule III. An Assistant/Clerk may be entrusted to help the public in inspection of the preliminary Electoral Roll during the period.
7. It has been provided in Rule 7(4) of Orissa Municipal Election Rules, 1994 that the fact of publication of preliminary Electoral Roll shall be notified in one or more Oriya newspaper circulating in the district. A model format in Oriya is enclosed in Appendix-A of this Schedule which may be published in one newspaper.
8. (i) Any person whose name is already enrolled in Assembly Electoral Roll, 2008 but does not figure in the preliminary Wardwise Electoral Roll or is entered in an incorrect place or with incorrect particulars on the preliminary Electoral Roll and who objects to the inclusion of his own name or the name of any other person in the said roll may prefer a claim or objection before the Election Officer for correction or deletion of the entry in Form No. III & IV, as the case may be, prescribed under Orissa Municipal Rules, 1994. The Election Officer shall give receipts to the applicants in support of their claims and objections.
- (ii) Similarly all other persons residing in the Municipal Area and attaining the age of 18 years as on 1st January, 2009 and whose names do not find place in the preliminary Wardwise Electoral Roll prepared by the Election Officers on account of their name not appearing in the published Assembly Electoral Roll prepared by the Election Commission of India and currently in force due to any reason, whatsoever, shall be entitled to file claims in the appropriate forms prescribed under Orissa Municipal Election Rules.

9. The Election Officer shall notify the date/ time and place for disposal of claims and objections received.
10. The claims and objections shall be enquired into by the Election Officer. He can also take steps for correction of clerical/accidental mistakes u/r.9 of Orissa Municipal Election Rules, 1994.

An Elector shall be registered as a Voter only in one place. If in course of preparation of Electoral Roll, it is brought to the notice of the Election Officer by way of objection or otherwise that a certain person's name finds place in more than one Urban Local Body (U.L.B.) in the Assembly Electoral Roll published in 2008, an enquiry shall be conducted to find out his/her ordinary place of residence during the period under consideration, i.e. not less than 185 days of the preceding 12 months. After his *bona fide* residence is established, the Election Officer will allow retention of his name in the concerned local body and will intimate the Election Officer of other Urban Local Bodies to delete his name from the electoral roll of those U.L.Bs. Those Election Officers of other U.L.Bs. on receiving the intimation will promptly delete these names and inform the fact.

It may so happen that a person who is elected as a Councillor and continuing as such and his/her name finds place in the Electoral Roll of that U.L.B., then under no circumstances the said voter's name shall be allowed to be included in the Electoral Roll of any other U.L.B. even if his/her name occurs in the relevant extract of the Assembly Electoral Roll.

Similarly, an elector who is an elected representative in a Panchayati Raj Institution (PRI) and continuing as such and his/her name finds place in the Electoral Roll of the Assembly Constituency in the relatable particular Urban Local Body, then under no circumstances the said voter's name shall be allowed to be included in the Electoral Roll of the U.L.B even if his/her name occurs in the relevant extract of the Assembly Electoral Roll.

During the process of preparation of Electoral Roll, if it is brought to the notice of the Election Officer by way of an objection or otherwise that a voter's name is registered both in the Urban area and Rural area in Assembly Electoral Roll, 2008, then the ordinary residence of that voter is to be established by way of an enquiry for the period under consideration, i.e. residing for not less than 185 days and after his *bona fide* residence is established his/her name shall be deleted from the Electoral Roll of other U.L.B/G.P.

In all such cases, the Election Officer concerned should send his order to delete the name of that voter to the Collector & District Magistrate of the concerned District with a request to delete the name of the voter from the Electoral Roll either from the Rural area or Urban area. The Collector and District Magistrate pertaining to the U.L.B. and G.P. after getting such intimation will take prompt steps for deletion of the name of the voter from the Electoral Roll and will attest it under his hand and seal on the relevant page of the voter list after striking out the name.

11. After disposal of claims and objections filed as per paragraph 7 (i) & (ii) above by the Election Officer u/r. 11, the Election Officer will prepare a draft Electoral Roll and publish the same as per the approved Programme.

12. Any person aggrieved by the order passed by the Election Officer u/r. 11 can file an appeal petition before the District Magistrate within five days from the date of completion of all works u/r. 11 & 13 by the Election Officer. The application shall be received by the District Magistrate with an acknowledgement to the concerned party. A register will be maintained wherein all details on which on each appeal petition, namely the name of the applicant, name of the Municipality, the Ward he belongs date and time of receipt of the appeal will be incorporated.

The District Magistrate within 7 days from the last date of receipt of appeal is required to dispose of the appeal by conducting a summary enquiry either by himself or by an officer not below the rank of A.D.M. The Commission would like to make it clear that the District Magistrate alone is the Appellate Authority; however, he may entrust the enquiry to an officer not below the rank of Additional District Magistrate. Hearing and disposal of the appeal shall be done invariably by the District Magistrate and the proceeding will be summary in nature. The order passed by the District Magistrate as Appellate Authority shall be final.

13. After disposal of all the appeals by the District Magistrate, the final Electoral Roll shall be prepared and published by the Election Officer for three consecutive days at the prescribed places as per the corresponding rule. The name of the qualified voters to be added to the roll shall be entered in Form No. IA (Addition list) appended to this Schedule. All entries made in Form No.IA shall be checked by an officer senior to the Election Officer. The District Magistrate should randomly test check 5% of such additions made by the Election Officer. Similarly, in case the A.D.M. or an officer of equal rank is the Election Officer, the District Magistrate should check 5 of all such entries and shall append a certificate to that effect on the additional list indicating the detailed particulars of the entries checked in each Ward. The Commission has prescribed a model form at Appendix B of this Schedule to be used for final publication of Electoral Roll.
14. The final Electoral Roll shall be authenticated under signature of the Election Officer concerned with date and Official stamp as follows on the last page :

“Certified that the Electoral Roll of Ward No._____ of _____ Municipality / NAC has been duly published as per the provisions of Orissa Municipal (DW, RS & CE) Rules, 1994 on_____.”

Election Officer

Apart from appending the certificate at the last page, each page of the Electoral Roll is to be authenticated with the signature of the Election Officer along with the official seal.

15. After final publication of the Electoral Roll also any person may apply to the Election Officer for correction of the existing entry in the final Electoral Roll u/r. 15(2) of Orissa Municipal Election Rules and if the Election Officer is satisfied that the entry relates to the applicant and is erroneous or defective in any particular, he may correct the roll accordingly and publish such correction in the same manner as the final Roll.

16. After final publication of Electoral Roll, a photo copy of the manuscript shall be sent by the Election Officer to the District Magistrate concerned before printing of the Electoral Roll is taken up.
17. After final publication of Electoral Roll, a draft list of polling stations /booths showing the polling area it covers and serial No. of voters who are allotted to such polling stations / booths should be published in the form prescribed by the Commission by posting the same in the office of the Municipality / Election Officer and in a conspicuous place in the Ward. The Election Officer should have worked out the details for preparing such list of polling stations / booths before the final publication of Electoral Roll so that it will be convenient for him to publish the draft list of polling station promptly. A model format in Oriya for draft publication of polling stations has been appended in Appendix C. Public objections, if any, on the location of polling stations may be received within three days from the draft publication of list of polling stations.

The draft list of polling stations so published shall be discussed with the representatives of recognized political parties (who may be noticed earlier). After taking into consideration, the objections , if any, received from the public and views of the Political Parties, the Election Officer shall draw a list of polling stations and submit the same to the Commission for approval.

18. The final Electoral Roll so published shall be split up boothwise.
19. After splitting up of the final Electoral Roll boothwise, 30 copies of the Electoral Roll of each Ward shall be printed boothwise locally at rates approved by the Commission. The Election Officer shall ensure to check each and every entry in the final printed copy with reference to the manuscript in order to have error free final Electoral Roll. One copy of the printed Electoral Roll for the entire Municipality shall also be sent to the Commission. Each National / State party shall also be supplied with a copy of the same free of cost.